

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**GREGORY STEWART,**

**Plaintiff,**

**v.**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security,**

**Defendant.**

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**Case No. 1:07CV659**

**JUDGE KATHLEEN M. O'MALLEY**

**ORDER**

The Commissioner of Social Security denied social security benefits to the Claimant, Gregory Stewart ("Stewart"), in the above-captioned case. Upon review, this Court adopted as unopposed the Report and Recommendation ("R&R") of Magistrate Judge David S. Perelman reversing the Commissioner of Social Security's decision and remanding the case for further proceedings. (ECF Doc. 18.)

Subsequently, Stewart moved the Court for an award of attorney's fees in the amount of \$1,737.50 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. (ECF Doc. 20.) This Court referred the application to Magistrate Judge Perelman for preparation of an R&R pursuant to Local Rule 72.2(b)(1) and 28 U.S.C. § 636(b)(1)(B). (ECF Doc. 21.) In response, the Defendant stated that he would not oppose the application for fees. (ECF Doc. 22.) Accordingly, the Magistrate Judge recommended that Stewart's petition be granted in the amount requested. (ECF Doc. 23.)

Neither party has objected to the Magistrate Judge's R&R.

The Court has reviewed the Magistrate Judge's R&R, *de novo*, and, in light of the fact that the application for fees is unopposed and there are no objections to the R&R, the Court **ADOPTS** the Magistrate Judge's R&R. Stewart's application for an award of attorney's fees is **GRANTED** in the amount requested (\$1,737.50).

**IT IS SO ORDERED.**

**Date: August 6, 2008**

s/Kathleen M. O'Malley  
**KATHLEEN MCDONALD O'MALLEY**  
**UNITED STATES DISTRICT JUDGE**